

EMPLOYBRIDGE vs. RIVEN ROCK, et al.
1:16-CV-00833Fran Scott, Vol. II
March 28, 2017

<p style="text-align: right;">Page 77</p> <p>1 A. Honestly, I do not recall who went out there 2 to meet with him.</p> <p>3 Q. And do you know specifically during the 4 meeting with Mr. Wynn -- and this may have been covered 5 already -- whether Mr. Miller or Mr. Jacquez made any 6 specific solicitation statements to Acme?</p> <p>7 A. The conversation that I had with Keaton Wynn 8 was that -- and I'm almost positive that it was Tim that 9 was there -- the statement was -- this is not 10 verbatim -- "With the number of drivers that you have 11 through ProDrivers, we can offer you a much better 12 discounted rate."</p> <p>13 Q. Do you have any firsthand knowledge of any 14 trade secret, confidential, or proprietary information 15 that Terry Miller has misappropriated?</p> <p>16 MR. HART: Object to the form of the 17 question to the extent it's calling for a legal 18 conclusion.</p> <p>19 You can answer to the extent you 20 understand.</p> <p>21 A. Trade secrets? Say the question again.</p> <p>22 Q. Sure. Do you have any information -- I'm 23 looking from a non-legal person -- do you have any 24 firsthand knowledge or information whether or not Terry 25 Miller has used or disclosed what you consider to be</p>	<p style="text-align: right;">Page 79</p> <p>1 Q. ProDrivers, at least during your time there, 2 have they used a commission structure for purposes of 3 sales and the like?</p> <p>4 A. There is a commission structure for sales, and 5 there is an operations bonus for the office staff or the 6 operations team.</p> <p>7 Q. And do you know whether -- We'll focus first 8 on the commission structure. Do you know how long 9 that's been in place?</p> <p>10 A. Ever since I've been employed with ProDrivers.</p> <p>11 Q. And do you know whether it says "ProDrivers" 12 or "EmployBridge" anywhere on that?</p> <p>13 A. I don't know.</p> <p>14 Q. What about the operations bonus materials?</p> <p>15 A. The operations incentive has been in place, 16 again, ever since I've been employed.</p> <p>17 Q. Do you know whether that is localized to 18 ProDrivers or is part of the larger EmployBridge family 19 of companies?</p> <p>20 A. I don't know.</p> <p>21 MR. STANFORD: I'll mark 144. 22 (Exhibit 144 marked.)</p> <p>23 Q. (By Mr. Stanford) I'll ask if you recognize 24 this document.</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 78</p> <p>1 confidential or proprietary information of either 2 ProDrivers or EmployBridge?</p> <p>3 A. No.</p> <p>4 Q. Do you have any information that Tim Jacquez 5 has used or disclosed any confidential or proprietary 6 information of either ProDrivers or EmployBridge?</p> <p>7 A. No.</p> <p>8 Q. Did Mr. Miller or Mr. Jacquez ever have direct 9 client contact or relationship with the City of 10 Albuquerque?</p> <p>11 A. No.</p> <p>12 Q. When Mr. Miller was onboarding -- We went over 13 this a little bit before. I don't want to go into 14 detail on the purported DocuSign materials. Is there an 15 initial application that a candidate fills out when 16 applying either for ProDrivers and/or EmployBridge? If 17 you don't know the difference, we can focus on 18 ProDrivers.</p> <p>19 A. There may be an online application, but to be 20 perfectly honest with you, I'm not a hundred percent 21 sure.</p> <p>22 Q. Do you know whether or not there was a 23 different commission schedule for ProDrivers and for 24 EmployBridge employees?</p> <p>25 A. I do not.</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. What is this document?</p> <p>2 A. It is the spreadsheet that our attorneys put 3 together on the projected losses and actual losses.</p> <p>4 Q. Did you have any involvement in the 5 preparation of this document?</p> <p>6 A. I provided the information.</p> <p>7 Q. What information did you provide?</p> <p>8 A. The information for RAC Transport, Acme, and 9 Fidelitone.</p> <p>10 Q. So is it fair to say, then, that at least with 11 respect to the information above with regard to COA, 12 which is City of Albuquerque, Ink Impressions, and 13 Superior Ambulance, that's outside of your area of 14 knowledge and understanding?</p> <p>15 A. Yes.</p> <p>16 Q. And are you the one that identified these as 17 losses attributable to Jacquez, Miller, and Riven Rock?</p> <p>18 A. Yes.</p> <p>19 Q. And, again, that's based on your belief that 20 Mr. Jacquez solicited improperly RAC Transport, Acme 21 Iron & Metal, and Fidelitone.</p> <p>22 A. And/or Terry or Tim.</p> <p>23 Q. Do you think that Mr. Jacquez should be stuck 24 with any damages that maybe Mr. Miller caused or vice 25 versa?</p>